

OFFICE OF THE GENERAL COUNSEL**MEMORANDUM GC 01-05**

June 26, 2001

TO: All Regional Directors, Officers-in-Charge and Resident Officers**FROM:** Arthur F. Rosenfeld, General Counsel**SUBJECT:** Unfair Labor Practice Complaints Issued December 19, 2000 - April 20, 2001

Section 3(d) of the Act grants to the General Counsel of the National Labor Relations Board "final authority, on behalf of the Board, in respect of the investigation of charges and issuance of complaints under Section 10 [of the Act], and in respect of the prosecution of such complaints before the Board" See also National Labor Relations Board Memorandum Describing the Authority and Assigned Responsibilities of the General Counsel of the National Labor Relations Board, Section 1.A., 20 F.R. 2175, effective April 1, 1955, amended in other respects, 23 F.R. 6966, effective August 25, 1958), 24 F. R. 6666, effective August 3, 1959, 26 F.R. 3911, effective May 15, 1961 ("The General Counsel of the Board has full and final authority and responsibility, on behalf of the Board, to accept and investigate charges filed, . . . to issue complaints and notices of hearing, to appear before [Administrative Law Judges] in hearings on complaints and prosecute as provided in the Board's rules and regulations, and to . . . file exceptions and briefs and appear before the Board").

Under the general supervision of the Office of the General Counsel, Regional Directors are "empowered to . . . issue complaints in unfair labor practice cases; . . . and otherwise act on behalf of the General Counsel in the discharge of the statutory and delegated functions of that office." National Labor Relations Board Description of Organization and Functions, Section 203.1, 32 F.R. 9588, as amended by 37 F.R. 15956, 44 F.R. 34215, 47 F.R. 20888, 53 F.R. 10305 and 53 F.R. 23467. See also Section 101.8 of National Labor Relations Board Statements of Procedure, 29 C.F.R. 101.8.

During the term of Leonard Page's appointment as Acting General Counsel, December 19, 2000 - April 20, 2001, Regional Directors issued numerous unfair labor practice complaints on his behalf pursuant to the authority specified above. Respondent in at least one of these cases¹ has challenged the validity of the complaint issued against it on grounds that Mr. Page's appointment, as Acting General Counsel was invalid. I am confident that this claim is without merit. Counsel for the General Counsel has responded in this case outlining the legal basis for this view.

In any case, pursuant to my authority as General Counsel, I hereby ratify the Regional Director's issuance of complaint in the case listed in note 1, above, as well as Regional Directors' issuance of all other unfair labor practice complaints on behalf of Acting General Counsel Page, pursuant to the authority specified above.

I have taken this action of ratifying outstanding unfair labor practice complaints in order to remove any technical question that has arisen or may arise regarding such complaints due to any circumstances related to Mr. Page's appointment as Acting General Counsel. If further questions arise, Regions should contact the Division of Advice.

/s/
A.F.R.

cc: NLRBU

Release to the Public

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¹ Lutheran Home at Moorestown, Case 4-CA-30047.